

(2) A GOVERNMENTAL ENTITY MAY NOT INITIATE AN ACTION OR PROCEEDING ARISING OUT OF A FAILURE OF A BUILDING OR STRUCTURE TO COMPLY WITH A SETBACK LINE RESTRICTION MORE THAN 3 YEARS AFTER THE DATE ON WHICH THE VIOLATION FIRST OCCURRED if {the}

~~(1)~~ THE building or structure was constructed or reconstructed:

{(i)} ~~1~~ In compliance with an otherwise valid building permit, except that the building permit wrongfully permitted the building or structure to violate a setback line restriction; or

{(ii)} ~~2~~ Under a valid building permit, and the building or structure failed to comply with a setback line restriction accurately reflected in the permit; ~~OR~~

~~(H) A VARIANCE WAS GRANTED BY THE APPROPRIATE GOVERNMENTAL ENTITY PERMITTING THE SETBACK LINE VIOLATION TO OCCUR.~~

(3) For purposes of paragraph [(1)(i)] ~~(2)(1)~~ (2)(1) of this subsection and notwithstanding any other provision of State or local law to the contrary, a building permit that was otherwise validly issued, except that the permit wrongfully permitted the building or structure to violate a setback line restriction, shall be considered a valid building permit.

~~[(3)]~~ (4) ~~(1)~~ For purposes OF ~~PARAGRAPH (2)(1)~~ PARAGRAPH (2) of this subsection, the date on which the violation first occurred shall be deemed to be the date on which the final building inspection was approved.

~~(H) FOR PURPOSES OF PARAGRAPH (2)(H) OF THIS SUBSECTION, THE VIOLATION DATE SHALL BE THE DATE OF THE APPLICATION FOR THE VARIANCE. DECISION GRANTING OR DENYING A VARIANCE AT THE HIGHEST LEVEL OF ADMINISTRATIVE AUTHORITY WITHIN THE GOVERNMENTAL ENTITY.~~

(c) Notwithstanding any provision to the contrary in a deed or other written instrument, a failure to comply with a setback line restriction may not cause a forfeiture or reversion of title.

(D) THIS SECTION MAY NOT BE CONSTRUED TO ABROGATE OR AFFECT THE DEFENSE OF LACHES OR ANY OTHER DEFENSE THAT A PERSON MAY HAVE TO AN ACTION OR PROCEEDING FOR A VIOLATION OF A SETBACK LINE RESTRICTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed both prospectively and retroactively and shall be applied to and interpreted to affect a building or structure constructed or reconstructed under a valid building permit or in which a variance was granted before October 1, 1992.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall apply to all actions or proceedings filed on or after October 1, 1992.